

**IN THE UNITED STATES DISTRICT COURT
FOR THE SOUTHERN DISTRICT OF NEW YORK**

UNITED STATES OF AMERICA,)	
)	
<i>Plaintiff,</i>)	
)	
v.)	Case No. 18 CR 693 (RMB)
)	
HARALD JOACHIM VON DER GOLTZ,)	
)	
<i>Defendant.</i>)	
)	

**PETITION, PURSUANT TO 21 U.S.C. § 853(n)(2), TO
ADJUDICATE VALIDITY OF INTEREST IN PROPERTY**

NAMTOR BVC, LP (the “Petitioner”), respectfully requests the entry of an Order adjudicating the validity of Petitioner’s interest in the assets of BOSTON CAPITAL VENTURES IV LP as more fully set forth below, and in support thereof, the Petitioner states as follows:

1. The Petitioner is a Limited Partnership formed pursuant to the laws of the State of Illinois, with its principal place of business located at 311 South Wacker Drive, Ste. 4190, Chicago, Illinois 60606.

2. On or around April 22, 2021, the Petitioner received a Notice from the United States Department of Justice advising of the entry of a Preliminary Order of Forfeiture as to Substitute Assets (the “Notice”) filed in this proceeding relating to funds seized from Boston Capital Ventures IV LP (“BCV IV”) and/or Boston Capital Ventures V LP (“BCV V”). A true and accurate copy of the Notice is attached hereto as **Exhibit A**.

3. The Notice states that, among other things, the Petitioner is required to file a petition for a hearing to adjudicate the validity of the Petitioner’s alleged interests in the property of BCV IV and/or BCV V within 30 days.

4. BCV IV is a fund that made investments in software, communications and other technologies companies. The Petitioner is a minority owner of an approximate six percent (6%) interest of BCV IV. The Petitioner was admitted to BCV IV on May 22, 1998 with a commitment of \$2.5 million. The first capital call was in 1998 in the amount of \$250,000. Additional capital calls in similar amounts have been made from 1998 through the present. The last capital call occurred in approximately 2006, which brought the Petitioner's aggregate investment in BCV IV to \$2,439,264.00. As of the filing of this Petition, \$55,274.00 of the Petitioner's investment in BCV IV remains unpaid. A true and accurate copy of the 2019 K-1 issued to the Petitioner for BCV IV is attached hereto as **Exhibit B**. The Petitioner is advised by BCV IV's accountant that the 2020 K-1 has not been prepared, as of the filing of this Petition.

5. Pursuant to 21 U.S.C. § 853(n)(2), "[a]ny person, other than the defendant, asserting a legal interest in property which has been ordered forfeited to the United States pursuant to this section may, within thirty days... petition the court for a hearing to adjudicate the validity of his alleged interest in the property."

6. Pursuant to 28 U.S.C. § 853(n)(6):

If, after the hearing, the court determines that the petitioner has establishes by a preponderance of the evidence that-

(A) the petitioner has a legal right, title, or interest in the property, and such right, title, or interest renders the order of forfeiture invalid in whole or in part because the right, title, or interest was vested in the petitioner rather than the defendant or was superior to any right, title, or interest of the defendant at the time of the commission of the acts which gave rise to the forfeiture of the property under this section; or

(B) the petitioner is a bona fide purchaser for value of the right, title, or interest in the property and was at the time of the purchase reasonably without cause to believe that the property was subject to forfeiture under this section

The court shall amend the order of forfeiture in accordance with its determination.

7. By this Petition, the Petitioner respectfully requests that this Court enter an Order, pursuant to 21 U.S.C. § 853: (i) setting a hearing to adjudicate the validity of the Petitioner's interest in the assets of BCV IV; and (ii) determining that the Petitioner has a legal right, title and interest in the assets of BCV IV and such right, title and interest renders the order of forfeiture invalid in whole or in part because the right, title and interest was vested in the Petitioner rather than the defendant or was superior to any right, title or interest of the defendant at the time of the commission of the acts which gave rise to the forfeiture of the property.

WHEREFORE, Petitioner, NAMTOR BVC, LP, respectfully requests the entry of an Order, pursuant to 21 U.S.C. § 853: (i) setting a hearing to adjudicate the validity of the Petitioner's interest in the assets of BCV IV; (ii) determining that the Petitioner has a legal right, title and interest in the assets of BCV IV and such right, title and interest renders the order of forfeiture invalid in whole or in part because the right, title and interest was vested in the Petitioner rather than the defendant or was superior to any right, title or interest of the defendant at the time of the commission of the acts which gave rise to the forfeiture of the property; and (iii) granting such other and further relief as this Court deems appropriate under the circumstances.

Dated: New York, New York
May 20, 2021

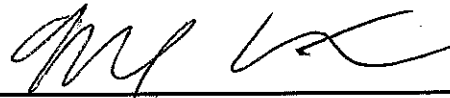
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VERIFICATION

I declare under penalty of perjury that I have read the foregoing *Petition to Adjudicate Interest in Property* and it is true and correct.

NAMTOR BVC, LP

A handwritten signature in black ink, appearing to read 'Michael C. Rothman', written over a horizontal line.

By: Michael C. Rothman

General Partner

Executed on: May 20, 2021